B2

26. (Amended) The method of claim [19] 25 wherein the bar code symbol is scanned using a hand held scanner when the item is stored.

32. (Amended) The method of claim 19 wherein

[the storage facility is a warehouse, and the items are stored in defined storage locations such as shelves or bins;]

the symbol associated with the item is a bar code symbol;

the scanning at the time that item is stored and at the time that it is retrieved is performed using a bar code scanner contained in a portable device;

B3

the GPS signal received by the transceiver is corrected to remove errors by comparing the GPS signal to a GPS signal received at a base station at a known location; and

the recording of the GPS signal by the transceiver and the scanning of the symbol are performed by the portable device.

33. (Amended) A portable device for recording the identity and location of items stored in a storage facility, wherein the storage facility is a warehouse or other facility in which the items are stored in defined storage locations such as shelves or bins, the device comprising:

a GPS transceiver capable of determining the location at which the item is to be stored by recording a GPS signal received at the location; and

a bar code scanner for determining the identity of the item by scanning a symbol associated with the item.

## REMARKS

The claims have been amended to address the examiner's rejections. Claims 36-38 have been cancelled, but without prejudice to their being pursued in a continuation application (applicant does not concede the correctness of the examiner's new matter rejection, but has cancelled the claims to expedite prosecution).

The examiner has rejected claim 19 (the only remaining independent claim) under 35 U.S.C. 103(a) as being unpatentable over Loomis. The examiner is urged to reconsider and

withdraw the rejection, for Loomis does not teach, suggest, or make obvious three aspects of amended claim 19.

As amended, claim 19 is limited to a business method for storing items in a warehouse of the type in which items are stored in defined storage locations such as shelves or bins. The conventional technique for keeping track of position location in such warehouses is to scan a bar code symbol associated with the shelf or bin at which the item is to be stored. Since each shelf or bin in such a warehouse is unique, it is readily possible to identify each shelf or bin with a unique bar code symbol, and that is the business method conventionally followed. The invention goes against this conventional wisdom in suggesting that shelf or bin location be determined not by such bar code scanning but by receiving and processing a GPS signal.

Loomis teaches nothing that would suggest applying its GPS methods to such a warehouse in which items are stored in defined storage locations. The examiner is correct that Loomis suggests applying the disclosed GPS techniques to "Asset Management", and specifically to "inventory management" and "asset tracking systems", but none of these business applications are a suggestion of using GPS in a warehouse in which items are stored in defined storage locations such as shelves and bins. Rather, what Loomis is referring to is the very different and general problem of recording the locations of assets that are stored in undefined storage locations, e.g., the random locations in which manufacturing hardware or office equipment are found through a company's buildings. In that application, there is no readily available way of recording location, and thus using the Loomis GPS technique would be sensible. But what applicant has done is apply GPS to a business method in which it would not, at first, appear to be worthwhile (as position of shelf or bin, for example, can be determined by simply scanning a label associated with the shelf or bin).

A second reason why the rejection should be withdrawn is the vague teaching in Loomis of the use of a bar code scanner. The only mention of the scanner is at col. 7, line 47, and it is very unclear what its function is. The bar code scanner is said to be an "optional external unit" to which the "rover unit" containing the GPS equipment is connected. But absolutely nothing is said about what the bar code scanner is to be used for. The next several sentences in column 7 refer to "tagging" of a location or article, but we know from elsewhere in the specification of Loomis that "tagging" is a reference to time tagging, for later use in differential correction of

GPS data. Thus, not only does Loomis fail to teach applicant's business method of using GPS to determine storage position in a warehouse with defined storage locations, but it also fails to teach with sufficient definiteness the use of a bar code symbol to identify the items being stored.

Finally, a third, and important shortcoming of Loomis, is that it teaches nothing about associating in a database the GPS position information and the item identification information obtained from bar code scanning.

In summary, what Loomis teaches is the broad concept of using GPS to track locations of assets, but not the application of GPS to a warehouse with defined storage locations, and not the use of bar code scanning to identify items being stored in such a warehouse, and not the associating of the storage location and item identity in a database. Accordingly, amended claim 19 is patentable over Loomis.

The remaining claims are all properly dependent on claim 19, and are thus allowable therewith. Each claim adds one or more further limitations that enhance patentability, but applicant does not rely on those limitations at the present time.

Filed herewith is a Petition for Automatic Extension with the required fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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